

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7410 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BANASKANTHA DISTRICT COOPERAT MILK PRODUCERS' UNION LTD

Versus

AMRUTLAL MAGANLAL PADHIAR

Appearance:

MR DC DAVE for Petitioner
MR DS VASAVADA for Respondent No. 1
NOTICE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 16/02/2000

ORAL JUDGEMENT

1. Rule. Mr.D.S.Vasavada, learned counsel waives service of rule. On a joint request of the learned counsel for the parties, the matter is taken up for final hearing today.

2. This is a petition under Article 227 of the Constitution wherein the petitioner - employer challenges the judgement and award of the Labour Court in Reference [LCP] No. 6/96 wherein the respondent - employee has been directed to be reinstated with 50% backwages.

3. As a result of the hearing and the discussion, learned counsel for the respective parties have arrived at a consensus, in the presence of the respondent employee who is present in the Court, that the entire dispute can be settled by the intervention of this Court, giving particular emphasis to the change of circumstances and particularly to the fact that the post of Shift Engineer has been abolished in the organization of the petitioner.

4. I have heard learned counsel for the respective parties on the question of appropriate relief and/or appropriate punishment, and in this context, both the learned counsel agreed as under :-

[1] The respondent shall be reinstated in the post of Assistant Engineer in the scale of Rs.1,375=00 - Rs.3,080/-.

[2] The respondent shall however be entitled to continuity of service for the purposes of gratuity and terminal benefits.

5. So far as the question of backwages is concerned, both the learned counsel have specifically left this figure to be determined by the Court. This is also agreed to by the respondent - employee who is present in the Court.

6. Giving my anxious consideration to the facts and circumstances of the case, I am of the opinion that backwages in the sum of Rs.90,000/- would be just and fair and would meet the ends of justice. It is accordingly so directed. This sum of backwages shall be paid within four weeks from today.

7. Rule is accordingly made absolute with no orders as to costs.

parmar*